

NOTICE OF PUBLIC HEARING

School Nurse Certification

NOTICE IS HEREBY GIVEN That pursuant to ss. 115.001 (11) and 227.11 (2) (a), Stats., and interpreting s. 115.001 (11), Stats., the Department of Public Instruction will hold a public hearing as follows to consider proposed permanent rules amending Chapter PI 34, relating to school nurse certification. The hearing will be held as follows:

DATE AND TIME

July 30, 2010
1:00 - 3:30 p.m.

LOCATION

Madison
GEF 3 Building
125 South Webster St.
Room 041

The hearing site is fully accessible to people with disabilities. If you require reasonable accommodation to access any meeting, please call Douglas White, Director, Student Services/Prevention and Wellness at douglas.white@dpi.wi.gov, (608) 266-5198 or leave a message with the Teletypewriter (TTY) at (608) 267-2427 at least 10 days prior to the hearing date. Reasonable accommodation includes materials prepared in an alternative format, as provided under the Americans with Disabilities Act.

Copies of Rule and Contact Person

The administrative rule and fiscal note are available on the internet at <http://dpi.wi.gov/pb/rulespg.html>. A copy of the proposed rule and the fiscal estimate also may be obtained by sending an email request to lori.slauson@dpi.wi.gov or by writing to:

Lori Slauson, Administrative Rules and Federal Grants Coordinator
Department of Public Instruction
125 South Webster Street
P.O. Box 7841
Madison, WI 53707

Written comments on the proposed rules received by Ms. Slauson at the above mail or email address no later than August 4, 2010, will be given the same consideration as testimony presented at the hearing.

Analysis by the Department of Public Instruction

Statute interpreted: s. 115.001 (11), Stats.

Statutory authority: ss. 115.001 (11) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 115.001 (11), Stats., requires the department to prescribe the qualifications for school nurses by rule.

Section 227.11 (2) (a), Stats., gives an agency rule-making authority to interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule: N/A

Plain language analysis:

2009 Wisconsin Act 160 requires the department to prescribe the qualifications for school nurses by rule. To meet the requirements under the Act, the department is modifying Chapter PI 34, relating to Teacher Education Program Approval and Licenses, by creating a definition of "school nurse" under s. PI 34.01 (52m) and by modifying the school nurse licensing information under s. PI 34.31 (2).

The DPI school nurse license which requires completion of a school nurse practicum and an institutional endorsement, is still an optional license and is not required for a nurse to work in a school. In the past, a school nurse only had to hold a license as a registered nurse under the Department of Regulation and Licensing. The rule will require a school nurse to hold a bachelor's degree as well.

An individual employed by, or under contract with, a school board, a CESA, a CCDEB, or charter school as a school nurse on January 1, 2011, shall be considered a school nurse, regardless of whether or not that individual holds a bachelor's degree.

To coincide with the Act's effective date, the rule will become effective January 1, 2011.

Summary of, and comparison with, existing or proposed federal regulations: N/A

Comparison with rules in adjacent states:

Iowa does not have rules relating to the qualification of school nurses.

Illinois and Minnesota require a school nurse to be a registered professional nurse with a bachelor's degree.

Michigan requires that a professional school nurse be a registered professional nurse with a bachelor's degree.

Michigan also offers a standard school nurse certificate requiring the applicant to be a registered nurse.

Summary of factual data and analytical methodologies:

2009 Wisconsin Act 160 clarifies that a nurse may be employed by a school district without being "certified" by the department but rather "meets the qualifications prescribed by the department." The DPI school nurse license under s. PI 34.31 (2) requires the applicant to have, in part, a school nursing practicum and an institutional endorsement. This DPI license is optional and is not required for a nurse to work in a school. The Act removes the department's certification requirement and replaces it with the qualifications for school nurses prescribed by the department in rule. The qualifications specified in this rule will better reflect current practice without reducing the qualifications of the state's school nurses.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A

Anticipated costs incurred by private sector: N/A

Effect on small business:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

Douglas White, Director, Student Services/Prevention and Wellness, (608) 266-5198, douglas.white@dpi.wi.gov.

Fiscal Estimate

The proposed rules require a nurse to hold a bachelor's degree in addition to a license issued by the Department of Regulation and Licensing in order to become a school nurse. The rules allow a nurse that was employed or under contract as a school nurse in a school board, CESA, CCDEB or charter school established under s. 118.40 (2r) Stats., on or before the effective date of the rule to be considered a school nurse.

Any fiscal effect to local school districts is indeterminate. A school nurse with a bachelor's degree may command more money for his or her salary. However, it is unknown how many school nurses will be hired under this new requirement as the grandfathering provision allows school nurses currently employed without a bachelor's degree to remain employed.

The proposed rules will make it easier for school districts to receive partial state aid reimbursement for school nurses under s. 115.88(1m)(a), Stats., special education aid, because a school nurse must meet the qualifications in this rule rather than meet DPI certification requirements which require a practicum and an institutional endorsement in addition to a bachelor's degree. (Prior law required school nurses to be certified by DPI to receive special education aid.)

These proposed rules may result in a redistribution of state special education aid but will not change the total amount of aid distributed.

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Initial Regulatory Flexibility Analysis

The proposed rules are not anticipated to have a fiscal effect on small businesses as defined under s. 227.114 (1) (a), Stats.

State Superintendent or Designee

Date